

REMARKS

Claims 1-17 remain pending and at issue in this application. Applicants respectfully request that the amendments made to independent claims 1 and 8 in response to the newly relied upon art and in an attempt overcome the apparent confusion over the inventive aspects of the claimed device, be entered and considered during the prosecution of the present application. In light of the amendments to the claims and the following remarks, applicants respectfully submit that the above-identified application is in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of claims 1-17 is hereby respectfully solicited.

I. REJECTIONS UNDER 35 U.S.C. §102 AND §103

Applicants respectfully traverse the rejection of claims 1-17 as anticipated by or obvious over Coronel et al. (U.S. Patent No. 6,363,294). Independent claims 1 and 8 recite, *inter alia*, an event historian or a batch history application for receiving process event information and batch process event information from multiple sources operating in different physical elements of a process, and for automatically deriving relationships among portions of process event information and batch process event information based on generated event messages. In other words, the claimed event historian collects data that includes event messages from different process (physical) elements and batch procedure events in a process, and automatically organizes this data based on the procedure information, such as the starting, stopping, pausing, aborting, etc., of a batch procedure event. In this way, the process event information and the batch procedure event information are correlated, based on the procedure information contained in the event messages, and the overall batch procedure hierarchy can be automatically reconstructed and presented to the user in a logical format that illustrates which process events occurred during each of the respective batch procedure elements for a particular batch.

Coronel et al. does not disclose or suggest an event historian that receives both process event information and batch procedure event information and that then automatically derives relationships among the portions of the received information based on generated event messages. Moreover, Coronel et al. does not disclose that it would be desirable or even possible to derive relationships between these two types of information, much less to present such relationships, along with the event information, in a logical format to the user.

Coronel et al. discloses a batch processing system for tracking batches of semiconductor wafers as they progress through the manufacturing process. In particular, the system of Coronel et al. is concerned with product data related to the wafers being manufactured (e.g., the wafer history, the wafer identification number and other wafer-related tolerance measurements) but is not directly concerned with the batch itself and therefore does not record batch procedure event messages such as the batch procedure event information including the start and stop of batch procedure elements. As a result, Coronel et al. cannot automatically establish relationships between the wafer related data and the batch procedure event messages because batch procedure event messages are not tracked by the system, much less presented to the user, along with the event information, in a logical format.

Because Coronel et al. does not contain each and every element recited in independent claims 1 and 8, either expressly or inherently, it cannot anticipate these claims. See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In particular, Coronel et al. does not disclose, at any level, receiving both process event information and batch procedure event information and then automatically deriving relationships among the portions of the received information based on generated event messages.

Furthermore, the pending action does not set forth a *prima facie* case of obviousness¹ because Coronel et al. does not teach or suggest all of the claim limitations set forth in the claims at issue. As discussed above, Coronel et al. does not suggest or disclose receiving both process event information and batch procedure event information or that automatically deriving relationships among portions of the received information based on generated event messages would be possible, much less desirable and useful when controlling and analyzing a batch process. Because the system disclosed in Coronel et al. is only concerned with product data related to the wafers being manufactured and does not record batch procedure event messages, it is not possible to automatically derive any relationships between the wafer related data and batch procedure event messages, much less reconstruct the overall batch procedure hierarchy based on these derived relationships. For these reasons, amended independent claims 1 and 8, and all claims depending directly or indirectly thereon, cannot be rendered obvious in light of Coronel et al. Reconsideration and withdrawal of the obviousness rejection is hereby respectfully requested.

II. ITOH ET AL. (U.S. PATENT NO. 5,926,186)

Itoh et al. (U.S. Patent No. 5,926,186) adds nothing to Coronel et al. Itoh et al. does not disclose or suggest collecting process event information and batch procedure event information, much less automatically deriving relationships between portions of process event information and batch procedure event information and presenting these relationships in a logical format to the user. Instead Itoh et al. is a system

¹ To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

for creating or editing time variant graphics, such as Gantt charts, and is not concerned with any specific type of data. As a result, Itoh et al. does not disclose or suggest using or storing process event information and batch procedure event information in any way. Thus, the combination of Coronel et al. and Itoh et al. can not render amended independent claims 1 and 8, or any of the claims depending directly or indirectly thereon, obvious for the same reasons discussed above in Section 1.


III. CONCLUSION

Enclosed is a petition for extension of time under 37 C.F.R. §1.136(a) and a check in the amount of \$420 for the fee. Further enclosed is request for continued examination (RCE) under 37 C.F.R. §1.114 and a check in the amount of \$770 for the fee. Finally, a fee transmittal for FY 2004 is enclosed indicating the individual and total amount (\$1190) due and submitted with this response.

For these foregoing reasons, applicants submit that the application is in condition for allowance.

Respectfully submitted:

December 2, 2003


Roger A. Heppermann
Reg. No. 37,641
MARSHALL, GERSTEIN & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300